Remarks/Arguments

Claims 1-21 have been rejected by the Examiner.

Claims 1, 7, 14, 15, 18 and 20 have been amended.

Claims 1-21 are pending in the application.

Reconsideration and allowance of claims 1-21 is respectfully requested in view of the following:

Explanation for Amendments to the Claims:

Claims 1, 7, 14, 15, 18 and 20 have been amended to clarify that a protection class, a previous paid loss history, and for new policies, an insurance credit score, are used to determine a single tier placement of an applicant, and a rate quote that can include a preferred rate quote, a standard rate quote, or a non-standard rate quote, is established based on that tier placement. These amendments notwithstanding, however, it is the Applicants' explicit intent that these amended claims retain the full scope and breadth of the original, unamended claims, including all equivalents thereto. Applicants respectfully submit that these amendments should in no way be interpreted as narrowing the scope or breadth of said claims, and that nothing herein this Response and Amendment should be interpreted to the contrary.

The Rejection of Claims 1-13 as not providing a practical application that produces a useful result and as failing to comply with the enablement requirement:

Claims 1-13 were rejected under 35 U.S.C. 101 and 35 U.S.C., first paragraph, as not providing a practical application that produces a useful result and as failing to comply with the enablement requirement, respectively. The Examiner argues that "the mere establishing a single tier placement, absent any active use of the tier placement in an executed step, does not move to manifest/provide a useful result." The claims have been amended to include "...determining a single tier placement for an applicant...and establishing a rate quote for a property insurance policy for the applicant based on the tier placement of the applicant..." This provides for establishing fair rates based upon criteria specific to each policy holder and protects both the insurer and the insured. The Applicants submit that a fair rate quote for a

property insurance policy is a useful result, and therefore respectfully request that the rejection be withdrawn.

The Rejection of Claims 1-6, 14, 16 and 18-19 as being unpatentable over Jinks et al:

Claims 1-6, 14, 16 and 18-19 were rejected under 35 U.S.C 102(b) as being unpatentable over Jinks et al (US 2002/0055862) (Jinks). In response, and as noted above, Applicants have amended claims 1, 14 and 18 to clarify that a protection class and a previous paid loss history are used to determine a single tier placement of an applicant, and a rate quote that can include a preferred rate quote, a standard rate quote, and a non-standard rate quote, is established based on that tier placement. In light of these amendments, Applicants respectfully submit that these rejections have been rendered moot.

The PTO provides in MPEP §2131..."To anticipate a claim, the reference must teach every element of the claim...". Jinks discloses a system and method for interactively evaluating a commercial insurance risk. The present disclosure addresses establishing rate quotes for an insurance policy. The Jinks disclosure discusses the establishment of rate quotes at page 4, paragraphs [0028] and [0029],"...the interactive insurance server 16 then determines whether the particular activity is insurable using the automated system as shown in decision block 110 by evaluating the insurance information received from the agent.... This is accomplished by comparing the received information to a series of underwriting rules that are predefined for each carrier or MGA for a particular commercial insurance class.... The interactive insurance server compares the information to the underwriting rules and first determines whether the risk is qualified for at least one policy...the interactive insurance server 16 calculates a rate for the risk based on pricing information provided by the carriers. This pricing information typically comprises a multiplier that is a multiplied by the total value of the policy to determine the premium to be charged..." Jinks mentions a plurality of information that is collected to determine whether a "particular activity is insurable" but does not disclose determining a tier placement of an applicant based on a combination of mutually exclusive factors including a protection class and a previous paid loss history, and then that tier placement resulting in one of a preferred rate quote, a standard rate quote, and a non-standard rate quote. Rather, Jinks is silent on exactly how rate quotes are established other than that received information is compared with a series of underwriting rules. Establishing rate quotes using the tier placement

based on a protection class and a previous paid loss history provides a consistently reliable method for establishing fair rates for property insurance. Therefore, the rejection is unsupported by the art and should be withdrawn.

> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. Of California,* 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)." "The identical invention must be shown in as complete detail as contained in the ...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claims 2-6, 16 and 19 depend from claims 1, 14 and 18 and are allowable for at least the reasons stated above. In light of the amendments to claims 1, 14 and 18, Applicants respectfully submit that the rejection of claims 1-6, 14, 16 and 18-19 under 35 U.S.C 102(b) as being unpatentable over Jinks have been rendered moot, and Applicants therefore respectfully request that these rejections be withdrawn and that claims 1-6, 14, 16 and 18-19 be allowed to issue.

The Rejection of Claims 7-13, 15, 17 and 20-21 as being unpatentable over Jinks et al in view of ChoicePoint:

Claims 7-13, 15, 17 and 20-21 were rejected under 35 U.S.C 103(a) as being unpatentable over Jinks et al (US 2002/0055862) (Jinks) in view of Choice Point, 2002-01-24, [online], retrieved from web.archive.org using the Internet <URL: http:web.archive.org/web/20020124085629/http://www.choicepoint.net/> (ChoicePoint). In response, and as noted above, Applicants have amended claims 1, 7, 14, 15, 18 and 20 to clarify that a protection class, a previous paid loss history, and an insurance credit score are used to determine a single tier placement of an applicant, and a rate quote that can include a preferred rate quote, a standard rate quote, and a non-standard rate quote, is established based on that tier placement. In light of these amendments, Applicants respectfully submit that these rejections have been rendered moot.

As the PTO recognizes in MPEP §2142:

> ...The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the Examiner does not produce a *prima facie* case, the Applicant is under no obligation to submit evidence of nonobviousness.....the Examiner must step backward in time and into the shoes worn by the

> hypothetical 'person of ordinary skill in the art' when the invention was unknown and just before it was made.... The Examiner must put aside knowledge of the Applicant's disclosure, refrain from using hindsight, and consider the subject matter claimed 'as a whole.'"

The combined references fail to teach or suggest the claimed combination as neither Jinks nor ChoicePoint suggest determining a tier placement of an applicant based on a combination of mutually exclusive factors including a protection class, a previous paid loss history, and an insurance credit score, and then that tier placement resulting in one of a preferred rate quote, a standard rate quote, and a non-standard rate quote. Furthermore, dependent claims 7-13 depend from independent claim 1 (as amended) in a patentable sense and therefore are allowable for at least the reasons disclosed above for independent claim 1. Thus, the combination of Jinks and ChoicePoint do not render the subject matter of claims 7-13 obvious as neither reference, alone or in combination, teaches each and every element of claims 7-13. Likewise, dependent claims 15 and 17 depend from independent claim 14 (as amended) in a patentable sense and therefore are allowable for at least the reasons disclosed above for independent claim 14. Thus, the combination of Jinks and ChoicePoint do not render the subject matter of claims 15 and 17 obvious as neither reference, alone or in combination, teaches each and every element of claims 15 and 17. Finally, dependent claims 21 and 21 depend from independent claim 18 (as amended) in a patentable sense and therefore are allowable for at least the reasons disclosed above for independent claim 18. Thus, the combination of Jinks and ChoicePoint do not render the subject matter of claims 20 and 21 obvious as neither reference, alone or in combination, teaches each and every element of claims 20 and 21. In light of the amendments to claims 1, 7, 14, 15, 18 and 20, Applicants respectfully submit that the rejection of claims 7-13, 15, 17 and 20-21 under 35 U.S.C 103(a) as being unpatentable over Jinks in view of ChoicePoint have been rendered moot, and Applicants therefore respectfully request that these rejections be withdrawn and that claims 7-13, 15, 17 and 20-21 be allowed to issue.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the pending claims are drawn to novel subject matter that is patentably distinguishable over the

prior art of record. The Examiner is therefore respectfully requested to the allow the claims as amended herein.

Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

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Dated: 1-12-07

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I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office, via EFS-Web, on the date indicated below:

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